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Rajendra A. Bopardikar

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

1279 OAKMEAD PARKWAY

SUNNYVALE, CA 94085-4040

EXAMINER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,697	Applicant(s) BOPARDIKAR ET AL.	
	Examiner Alicia Baturay	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), which was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 November 2009 has been entered.
2. Claims 1 and 15 were amended.
3. Claims 6-14, 19 and 20 were cancelled.
4. Claims 1-5 and 15-18 are pending in this Office Action.

Claim Objections

5. Claims 1 and 15 are objected to because of the following informalities: the claims use the terms “advertize” and “advertizing,” respectively. It is thought that Applicant meant to write “advertise” and “advertising,” respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-5 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy et al. (U.S. 2006/0242325) in view of Deshpande (U.S. 2005/0086355) in view of Gilbert et al. (U.S. 2002/0073138) and further in view of Miller (U.S. 7,382,879).

Ramaswamy teaches the invention substantially as claimed including the transcoder, which is also coupled to the home network, is adapted to receive media content and metadata from a first media consumption device, to transcode the media content and metadata from a first format to second format, and to supply the transcoded media content and metadata to the second media consumption device in the second format (see Abstract).

8. With respect to claim 1, Ramaswamy teaches an article comprising: a storage medium comprising machine-readable instructions stored thereon to execute a discoverable home network transcoder server (Ramaswamy, Fig. 1, reference numeral 22; page 2, paragraph 15) to communicatively couple to a media server to receive media signals from the media server (Ramaswamy, Fig. 1, reference numeral 24; page 2, paragraph 16), to convert the media signals to a format compatible with more than one media renderers, and to transmit the converted signals to the more than one media renderers (Ramaswamy, page 3, paragraph 24), wherein the media signals are converted by the discoverable home network transcoder server before the media signals are requested by any of the more than one media renderers (Ramaswamy, Fig. 4; pages 5-6, paragraph 34).

Ramaswamy does not explicitly teach use of a Universal Plug and Play protocol.

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However, Deshpande teaches a server utilizing a Universal Plug and Play (UPnP) protocol (Deshpande, page 3, paragraph 37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ramaswamy in view of Deshpande in order to enable the use of a Universal Plug and Play protocol. One would be motivated to do so in order to enable a UPnP AV Media Server device to perform transcoding and/or protocol translation which improves interoperability and is therefore beneficial from the consumer point of view.

The combination of Ramaswamy and Deshpande does not explicitly teach monitoring and transcoding new content when new content becomes available.

However, Gilbert teaches in response to monitoring of the server (Gilbert, page 10, claim 24, lines 4-5) and transcoding of new content when the new content becomes available on the server (Gilbert, page 11, claim 24, lines 31-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ramaswamy and Deshpande in view of Gilbert order to enable monitoring and transcoding new content when new content becomes available. One would be motivated to do so in order to enable to collect and process data records.

The combination of Ramaswamy, Deshpande and Gilbert does not explicitly teach advertising the availability of media files with the media server.

However, Miller teaches to advertise availability of the converted media signals (Miller, col. 2, line 61 – col. 3, line 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ramaswamy, Deshpande and Gilbert in view of

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Miller in order to enable advertising the availability of media files with the media server. One would be motivated to do so in order to enable distribution of digital content over computer networks such as the Internet.

9. With respect to claim 2, Ramaswamy teaches the invention described in claim 1, including the article wherein the more than one media renderers comprise media renderers selected from the group consisting of a speaker, a video display, a video display/speaker combination, a flat panel monitor, a liquid crystal display screen, an audio speaker, a plasma screen television display, and a high definition television display (Ramaswamy, page 1, paragraph 13).
10. With respect to claim 3, Ramaswamy teaches the invention described in claim 1, including the article wherein the discoverable home network transcoder server further comprises a transrating module (Ramaswamy, page 4, paragraph 27; Fig. 5A, reference numerals 90 and 92 and Fig. 5B, reference numerals 120 and 122; page 4, paragraphs 29-30).
11. With respect to claim 4, Ramaswamy teaches the invention described in claim 1, including the article wherein the discoverable home network transcoder server comprises a software module to execute on the media server (Ramaswamy, Fig. 1, reference numeral 24; page 2, paragraph 16 and page 5, paragraph 34).

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12. With respect to claim 5, Ramaswamy teaches the invention described in claim 4, including the article wherein the software module further comprises a transrating module (Ramaswamy, page 4, paragraph 27; Fig. 5A, reference numerals 90 and 92 and Fig. 5B, reference numerals 120 and 122; page 4, paragraphs 29-30).
13. With respect to claim 15, Ramaswamy teaches a method comprising: incorporating a home network media renderer by a client of a home network, the client being a module in a web browser having a network application program that supports a first media file format for the home network media renderer (Ramaswamy, page 4, paragraph 26); encoding the home network media renderer in the first media file format to support media files of the first media file format (Ramaswamy, page 4, paragraph 28); converting a media file to a second media file format before receiving a request for the media file (Ramaswamy, Fig. 4; pages 5-6, paragraph 34); requesting from a media server with the network application program of the client the media file in the second media file format (Ramaswamy, page 4, paragraph 26); and recognizing with a discoverable home network transcoder server that the media file is of the second media file format and converting the home network media renderer of the network application program to the second media file format prior to providing the media file to the web browser module of the client (Ramaswamy, page 4, paragraph 27).

Ramaswamy does not explicitly teach use of a Universal Plug and Play protocol.

However, Deshpande teaches a server utilizing a Universal Plug and Play (UPnP) protocol (Deshpande, page 3, paragraph 37).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ramaswamy in view of Deshpande in order to enable the use of a Universal Plug and Play protocol. One would be motivated to do so in order to enable a UPnP AV Media Server device to perform transcoding and/or protocol translation which improves interoperability and is therefore beneficial from the consumer point of view.

The combination of Ramaswamy and Deshpande does not explicitly teach monitoring and transcoding new content when new content becomes available.

However, Gilbert teaches in response to monitoring of the server (Gilbert, page 10, claim 24, lines 4-5) and transcoding of new content when the new content becomes available on the server (Gilbert, page 11, claim 24, lines 31-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ramaswamy and Deshpande in view of Gilbert in order to enable monitoring and transcoding new content when new content becomes available. One would be motivated to do so in order to enable to collect and process data records.

The combination of Ramaswamy, Deshpande and Gilbert does not explicitly teach advertising the availability of media files with the media server.

However, Miller teaches advertising availability of the media file in the second media format with the media server (Miller, col. 2, line 61 – col. 3, line 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ramaswamy, Deshpande and Gilbert in view of Miller in order to enable advertising the availability of media files with the media server. One

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would be motivated to do so in order to enable distribution of digital content over computer networks such as the Internet.

14. With respect to claim 16, Ramaswamy teaches the invention described in claim 15, including the method wherein the client comprises a graphical user interface to contact the media server (Ramaswamy, page 4, paragraph 26).

15. With respect to claim 17, Ramaswamy teaches the invention described in claim 15, including the method wherein said incorporating the home network media renderer by the client comprises providing a list of available media renderers and selecting the home network media renderer from the list of available media renderers (Ramaswamy, page 4, paragraph 28).

16. With respect to claim 18, Ramaswamy teaches the invention described in claim 17, including the method further comprising converting the selected home network media renderer to recognize the first media file format prior to passing the home network media renderer to the client (Ramaswamy, page 4, paragraph 27).

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Response to Arguments

17. Applicant's amendments and arguments with respect to claims 1-5 and 15-18 filed on 05 November 2009 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.
18. ***Applicant Argues:*** Ramaswamy does not expressly or inherently disclose transcoding (or converting) data *before* it is requested by a media renderer.

In Response: The examiner respectfully submits that the combination of Ramaswamy, Deshpande and Gilbert teaches wherein the media signals are converted by the discoverable home network transcoder server (the transcoder may be configured to demultiplex an incoming media content signal) before the media signals are requested by any of the more than one media renderers (after the transcoding has been performed, the transcoder may instead be stored in the memory by the server for consumption at a later time - see Ramaswamy, Fig. 4; pages 5-6, paragraph 34) in response to monitoring of the media server (server 24) and transcoding of new content when the new content becomes available on the media server (Ramaswamy, Fig. 4; pages 5-6, paragraph 34). This renders the rejection proper, and thus the rejection stands.

19. ***Applicant Argues:*** Gilbert is cited to teach monitoring availability of files. While Gilbert may disclose monitoring of a server, Gilbert is directed to removal of identification

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information from available files. This has nothing to do with transcoding of media files. Therefore, the proposed modification of the cited references would require change to the principles of operation embedded in the cited references. The proposed modification of the prior art cannot change the principle of operation. See MPEP § 2143.01(VI).

In Response: The examiner respectfully submits that in this case, it has been shown that Ramaswamy is directed to a transcoder, which is adapted to receive media content and metadata from a first media consumption device, to transcode the media content and metadata from a first format to a second format, and to supply the transcoded media content and metadata to the second media consumption device in the second format (see Ramaswamy, Abstract). In analogous art, Deshpande is drawn to systems and methods for identifying original streams of media content in a media content directory (see Deshpande, Abstract). Finally, in additionally analogous art, Gilbert is drawn to data collection, data warehousing, data mining and data marketing relating to a need to collect and process data records (see Gilbert, page 1, paragraph 7).

Additionally, the motivation to combine Ramaswamy and Deshpande was given in the rejection as “to enable a UPnP AV Media Server device to perform transcoding and/or protocol translation which improves interoperability and is therefore beneficial from the consumer point of view (see Deshpande, page 1, paragraph 4).” The motivation to coming the combination of Ramaswamy and Deshpande was given in the rejection as “in order to enable to collect and process data records (see Gilbert, page 1, paragraph 7).”

Moreover, the KSR decision supports the rationale that all the claimed elements were

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known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Ramaswamy was used as the primary reference, which is seen as disclosing all of the claimed subject matter except for that detailing the use of UPnP protocol, and monitoring and transcoding new content when new content becomes available. However, UPnP protocol limitations are covered by Deshpande, while the monitoring and transcoding new content limitations are covered by Gilbert. So all of the component parts of the claim are known in Ramaswamy, Deshpande and Gilbert. Thus, it would have been obvious to one having ordinary skill in the art to use the UPnP protocol taught by Deshpande and the monitoring for new content taught by Gilbert with the transcoder discussed in the Ramaswamy reference, since a UPnP protocol and monitoring for new content could be used in combination with a transcoder to achieve the predictable results of providing the ability to encode and disseminate new content as quickly as it arrives on the server.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ramaswamy, Deshpande and Gilbert.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at M-Th 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
November 19, 2009

/Benjamin R Bruckart/
Primary Examiner, Art Unit 2446